

Notice of Allowability

Application No.

09/478,777

Examiner

Igor N. Borissov

Applicant(s)

WALTER, JOANNE S.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief Filed on 1/19/2007.
2. ☒ The allowed claim(s) is/are 1,3-9,11-17,19,20 and 27-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Based on Appeal Brief filed on 01/19/2007 Claim Rejections under 35 USC § 103 have been withdrawn.

Allowable Subject Matter

Claims 1, 3-9, 11-17, 19, 20 and 27-37 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent claims 1, 9, 17, 27, 35, 36 and 37, the best prior art, Schneider (US 5,083,638) in view of Sato (US 5,949,854), further in view of Masson et al. (US 4,908,850) and further in view of Humble et al. teach a method, system and a computer-readable medium having instructions for execution by a computer said method, including: generating a first voice instruction and first tonality signals, which instructs a user in regard to operation of the retail terminal; determining if said user performs a first activity and generating a proper-response control signal in response thereto; generating an appropriate second voice instruction and second tonality signals, which instructs a user in regard to operation of the retail terminal prior to generation of the proper-response control signal; determining if said user performs a second activity and generating an improper-response control signal in response thereto.

While Sato teaches a system for changing a voice quality in accordance with an operation environment of a target user, comprising *a tone controller for selecting a tone and a male or female type of the voice responses, and an intonation generating circuitry (portion) for generating intonation patterns*; and while Masson et al. teaches monitoring a user interaction with a terminal (computer), wherein a user is verbally prompted for the user's account number, and wherein *if the user does not perform the required action within a predetermined length of time, the user is verbally prompted second time*, there is not teaching or suggestion to combine Schneider with Sato and Masson et al.

The best foreign art, Addy et al. (EP0905658A1), while teaching the steps of locating a grocery container in the bagwell; generating an item-entered control signal when a product code associated with an item is entered into the terminal; advancing the item through the light curtain and into the grocery container and generating a first detection control signal in response thereto; generating an invalid-use control signal when the first detection control signal is generated prior to generation of the item entered control signal, fails to teach or fairly suggest generating a second voice type by a retail terminal following a determination by the retail terminal that a user has disregarded a first voice instruction in a first voice type.

The remaining dependent claims are considered allowable, as they are dependent and based of an allowable independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

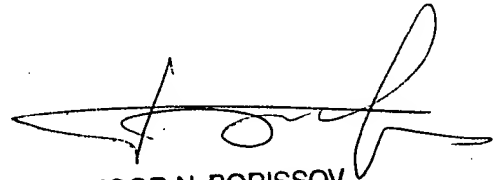
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



IGOR N. BORISSOV
PRIMARY EXAMINER

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5/22/2007